

FILED  
MAY 01 2009

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Plaintiff,

Civil No. 06-1832-PK

v.

ORDER

STEPHEN GEORGE MILJUS; EILEEN  
JANE MILJUS; JOHN BRUNKO MILJUS,  
THE ORGANIC ASSEMBLY OF THE REMNANT  
IN YAHSHUA; STEVEN GEORGE FAIR,

Defendants.

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HAGGERTY, District Judge:

Magistrate Judge Papak issued a Findings and Recommendation [169], which recommends granting the government's Motion to Dismiss [154] its own claims with prejudice and the Miljus defendants' Motion to Dismiss [157] their counterclaim. Because there are no remaining claims, counterclaims, or crossclaims, the Findings and Recommendation concluded

that this matter should be dismissed in its entirety. Defendant Fair has filed objections to the Findings and Recommendation.

When a party objects to any portion of a Findings and Recommendation, the district court must conduct a *de novo* review of that Findings and Recommendation. 28 U.S.C. § 636(b)(1)(B); *McDonnell Douglas Corp. v. Commodore Bus. Mach. Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Fair argues that he "will be denied remedy" if this matter is dismissed in its entirety. Objection to Findings and Recommendation at 5. As set forth in the Findings and Recommendation, Fair has "attempted to state both counterclaims against the United States and crossclaims against the Miljus defendants" but has not moved for leave to amend his pleading to state those claims. Findings and Recommendation at 7. As best can be gleaned from Fair's briefs and his representations to opposing counsel, "the claims he hopes or intends to pursue are state law claims to quiet title in the property at 12055 SE Lusted, to establish or enforce an easement, to vindicate contractual water rights, and/or for trespass." *Id.* at 8. Because this court lacks diversity jurisdiction over this action, supplemental jurisdiction is the only basis for asserting subject matter jurisdiction over these potential state law claims. Having already dismissed every other claim in this proceeding, however, the Findings and Recommendation properly concluded that this court should use its discretion in declining to exercise supplemental jurisdiction.

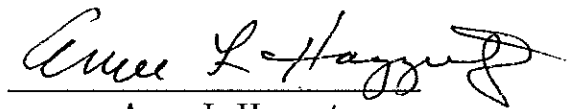
Although Fair has submitted a lengthy Objections, he does not offer any substantive critiques of the court's decision to decline supplemental jurisdiction. Instead, he repeats arguments that he has been making throughout this litigation and that have already been addressed.

**CONCLUSION**

This court has examined the pending motion and the underlying record. The conclusions of the Findings and Recommendation are legally sound and worthy of adoption. Accordingly, the government's Motion to Dismiss [154] its own claims with prejudice and the Miljus defendants' Motion to Dismiss [157] their counterclaim are GRANTED. The government's claims are dismissed with prejudice, the Miljus defendants' counterclaim is dismissed, and this action is dismissed in its entirety.

IT IS SO ORDERED.

Dated this 1 day of May, 2009.

A handwritten signature in black ink, appearing to read "Ancer L. Haggerty", written over a horizontal line.

Ancer L. Haggerty  
United States District Judge.